

What is Mediation?

Mediation is a voluntary, confidential, problem-solving process that promotes respectful and constructive communication between two or more individuals experiencing a conflict. Each side is given the opportunity to explain the situation from their perspective, while the other side listens. A list of issues is developed and addressed one at a time. Solutions to each issue are explored by the parties. When solutions have been found that are satisfactory to both parties, an agreement is written.



What types of special education issues can be mediated?

- Disagreements concerning the identification, evaluation, educational placement, or provision of the free appropriate public education of learners with disabilities.
- Communication problems among interested parties.
- Strained relationships between family and the school district, and, assessment or trust issues.

How much does it cost?

The Nebraska Department of Education has contracted with non-profit mediation centers to provide all services at no cost to parties.

Who can request mediation, and when?

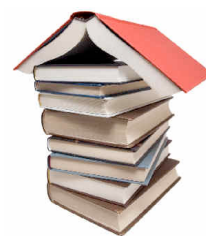
Mediation is your right. It can be requested by anyone with a special education situation at any time. Either school districts or families can request mediation by calling a mediation center. Referrals can be made by friends, teachers, administrators, attorneys, school board members and others.

Who are the mediators?

The mediators are professionally trained and experienced community volunteers affiliated with one of the six non-profit mediation centers approved by the Nebraska Office of Dispute Resolution. Mediators attempt to assist the parties to reach a mutually acceptable resolution of their dispute. Mediators are impartial, neutral, and unbiased, and make no decisions for the parties. Mediators do not provide legal advice to counsel. The mediators are not part of the Nebraska Department of Education.

What will the mediators know about special education?

Mediators are experts in helping people discuss problems constructively. The mediators are specifically trained to mediate special education situations, but they are not experts in special education. If specific expertise is needed, the mediators will explore with you what options might be available to bring that expertise to the discussions.



What if I don't like the agreement?

There will be no agreement unless you voluntarily accept it. Parties have a responsibility to express themselves during the mediation session. The mediators are skilled at managing dynamics and helping people discern what they really want. Agreements are reached through a powerful process; with numerous steps to assure all the parties are in fact satisfied that their issues and interests have been met. Those who agree to mediate have a very high probability of finding resolution.

How will mediation help us?

Mediation gives all participants equal opportunities to solve their problems by developing an agreement which reflects the best educational interests of the child. If an agreement is not reached, you can still request a due process hearing, or try mediation at another time.

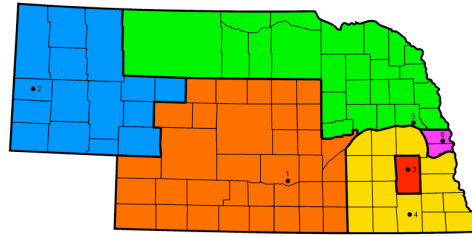


Mediation. . .

the problem-solving option

Mediation Option is:

- **VOLUNTARY** – It is optional for all parties.
- **CONFIDENTIAL** – It is an open discussion in a private setting. All communication made during mediation is confidential and not subject to disclosure unless agreed to by the parties. When a mediation session is scheduled, all participants will be asked to sign a consent form. In it, the participants agree to keep the mediation confidential. Only if all participants agree may any part of the mediated discussions be shared outside of the mediation session.
- **AT NO COST TO EITHER** – The Nebraska Department of Education bears the costs related to mediation. Parties will be responsible for any attorney fees they may incur.
- **AN ALTERNATIVE** – Mediation may occur at any time—from early in a conflict, prior to or concurrent with, a request for due process hearing. It does not interfere with either the right to due process or with due process timelines.



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www.centralmediationcenter.com

Mediation West - Scottsbluff

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info@mediationwest.org
www.mediationwest.org

The Mediation Center - Lincoln

402-441-5740
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www.themediationcenter.org

The Resolution Center - Beatrice

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Nebraska Mediation Center - Fremont

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www.njcmediation.com

Concord Mediation Center - Omaha

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Visit the website

www.education.ne.gov/sped/mediation.html

Nebraska Special Education

MEDIATION OPTION



Another way to work together
for the education of our children...
the problem-solving solution

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